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ADR

WILLIAM A. BAUDLER (SBN 5381) 1 GEORGE VELASTEGUI (SBN 107847) CATHERINE VENTOLA (SBN 43320) 2 National Labor Relations Board RECEIVED 1301 Clay Street, Suite 300N 3 Oakland, California 94612-5211 FEB 1 8 2009 Telephone: (510) 637-3288 Facsimile: (510) 637-3315 RICHARD W. WIEKING Email: catherinel.ventola@nlrb.gov 5 DISTRICT OF CALIFORNIA 6 Attorneys for Petitioner 7 UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA 8 OAKLAND DIVISION 9 10

ALAN B. REICHARD, Regional Director of the Thirty-Second Region of the National Labor Relations Board for and on behalf of the NATIONAL LABOR RELATIONS BOARD

Petitioner.

v.

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INTERNATIONAL LONGSHORE AND WAREHOUSE UNION LOCAL 10

Respondent.

CO9-00705

CIVIL No. C

PROPOSED
TEMPORARY
INJUNCTION

This cause came to be heard upon the verified petition of Alan B. Reichard, Regional Director of the Thirty-Second Region of the National Labor Relations Board, herein called the Board, for and on behalf of said Board, for a Temporary Injunction pursuant to Section 10(l) of the National Labor Relations Act, as amended, [29 U.S.C. sec. 160(l)], herein called the Act, pending the final disposition of the matter herein involved now pending before said Board, and upon issuance of an Order To Show Cause why injunctive relief should not be granted as prayed in said Petition. All parties were afforded full opportunity to be heard thereon, and the Court,

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Proposed Temporary Injunction

upon consideration of the pleadings, affidavits, evidence, and briefs and argument of counsel, and the entire record in the case, has made and filed its Findings of Facts and Conclusions of Law, finding and concluding that the Regional Director has reasonable cause to believe, and a likelihood of establishing, that International Longshore and Warehouse Union Local 10, herein called Respondent, has engaged in, and is engaging in, acts and conduct in violation of Section 8(b)(4)(i)(ii)(D) of the Act, [29 U.S.C., §158(b)(4)(i)(ii)(D)], and that such acts and conduct will likely be repeated unless enjoined.

Now, therefore, upon the entire record, it is

ORDERED, ADJUDGED AND DECREED that, pending the final disposition of the matter here involved now pending before the National Labor Relations Board, the Petition for Temporary Injunction should be, and hereby is, granted in the manner specifically set forth below.

- (a) Respondent, its officers, representatives, agents, servants, employees and all members, persons and other labor organizations acting in concert or participation with it, be, and hereby are, enjoined and restrained from:
 - (1) engaging in, inducing, or encouraging employees employed by ABF or any person engaged in commerce or in an industry affecting commerce to engage in, a strike or a refusal in the course of his employment to use, manufacture, process, transport, or otherwise handle or work on any goods, articles, material, or commodities or to perform any services at Pier 7 in Oakland, California, or any other location, where an object thereof is to force ABF to assign work to employees who are members of Respondent;
 - (2) threatening, coercing, or restraining ABF or any person engaged in commerce, where an object thereof is to force ABF to assign work to employees who are members of Respondent;

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(b) Directing Respondent to take the following affirmative action:

- (1) Post copies of the District Court's opinion and order at Respondent's facilities where notices to employees/members are customarily posted. said postings to be maintained during the pendency of the Board's administrative proceedings free from all obstructions and defacements.
- (2) Within 20 days of issuance of the District Court's order, file with the District Court, with a copy submitted to Petitioner, a sworn affidavit from a responsible official of Respondent, setting forth with specificity the manner in which Respondent has complied with the terms of the District Court's order, including how and when it posted the documents required by the order.
- (c) That the Court grant such other and further relief as may be just and proper.

San Francisco DATED AT , California, this 9th day of March 2009

